

AN ORDINANCE

BY: COUNCILMEMBER MARY NORWOOD

AN ORDINANCE TO CREATE A NEW SECTION 106-15 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, TO BE ENTITLED "LOITERING"; AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: A new Section 106-15 of the Code of Ordinances of the City of Atlanta, Georgia, is hereby created, which shall provide as follows:

Sec. 106-15 Loitering.

(a) Loitering shall mean remaining idle in essentially one (1) location and shall include the concepts of spending time idly, loafing, walking about aimlessly, or sitting on cars, trucks, or other vehicles, and shall include the colloquial expression "hanging around." It shall be unlawful for any person to loiter within the city on public property or private property used by the public in such a manner as to:

- (1) Create or cause to be created a danger of a breach of the peace;
 - (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
 - (3) Obstruct the free passage of pedestrians or vehicles;
 - (4) Obstruct, molest, or interfere with any person lawfully in any public place; or
 - (5) Be at a place, at a time, or in a manner not usual for law-abiding individuals under circumstances which would warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property within the vicinity.
 - (6) Near business establishments. It shall be unlawful for any person or persons to congregate or loiter on any private property which is adjacent to or used by any business or commercial establishment in the city for the use of said business establishment or its customers for parking of vehicles or other uses incidental to the operation of said business.
 - (7) Congregating on sidewalks or streets. It shall be unlawful for any person or persons to obstruct the sidewalks or streets of the city, or sidewalks or drives within private property which is open to the public, by standing, sitting, or laying in crowds.
- (b) Relocating from one (1) position to another and regrouping or generally "hanging around" shall be "prima facie" evidence of intent to continue an unlawful act under this section and shall constitute a new offense after having been dispersed or cited for an offense under these provisions.

(c) A person commits the offense of loitering if said person refuses to leave the premises or place after being asked to leave by the owner of the premises, the authorized agent of the owner, or a law enforcement officer.

(d) Among the circumstances, which may be considered in determining, whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify him or herself or any object. Unless flight by the person or other circumstances make it impractical, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

Section 2: To the extent that any ordinance is in conflict herewith, this ordinance shall control.